

REMARKS

Claims 1-10, 12-21, 23-48, 75, 77, 79, and 80 are pending in this application and subject to examination. Claims 49-74 are withdrawn from consideration. Claims 1, 2, 10, 12, 16, 17, 20, 23, 75, 79, and 80 are amended by this Response.

Claims 1-9, 12-13, 16-18, 20, 21, 26, 28, 45-48, 75, 77, 79, and 80 stand rejected, and claims 10, 15, 27, and 29-44 are indicated as containing allowable subject matter. Applicants acknowledge the indication of allowable subject matter in these latter claims.

Claim 23 has been amended to obviate the dependency issue for claims 23-25.

Claims 1-4, 6-9, 12-13, 16, 17, 20, 21, 26, 28, and 45-48 stand rejected under 35 U.S.C. § 102(b) as anticipated by Cole (US Pub. 2002/0091391), which reference was not cited in the prior rejection. Further, claims 5, 14, 17, 18, 75, 77, 79, and 80 stand rejected under 35 U.S.C. § 103 as obvious in view of Cole. These rejections are respectfully traversed in view of the amendments to the independent claims 1 and 75.

The claimed subject matter of independent claims 1 and 75 is neither disclosed nor suggested by Cole. Both claims 1 and 75 now recite that the crimp fitting member has a crimp shaft on a first portion and a crimp head on the second portion. The crimp shaft extends longitudinally from the second portion of the crimp fitting member. Further, the crimp head has a hole that is defined as being perpendicular to the crimp shaft. An example of this construction is depicted in Figure 1 of the present application. The crimp head hole (6) is seen as being perpendicular to the crimp shaft (7). This construction allows for the flexible cable (1), which is attached to the crimp shaft, to be wrapped around the sternum and then fed through the crimp head hole (and then secured by various means). This construction, as recognized by the Examiner through the acknowledgement that claim 10 contains allowable subject matter, is not disclosed or taught by Cole.

Rather, Cole discloses a system where the component (14) (see, e.g., Fig. 10) does not contain a hole in the crimp head that is perpendicular to the component's shaft that extends longitudinally from the second (or other) portion of the component. Instead, Cole discloses a system where the component (14) has a hole that is parallel to the component's shaft that extends longitudinally from the second portion of the component. Accordingly, the rejections

DOCKET NO.: SYNT-0199
Application No.: 10/830,130
Office Action Dated: July 10, 2008

PATENT

based on Cole should be withdrawn for the independent claims 1 and 75, and their dependent claims too.

Although Applicants could point out various other elements recited in the claims that are not disclosed in Cole, Applicants particularly note that Cole does not disclose a crimp shaft being configured to fit within a cannulated screw. This is a useful design because the crimp fitting member can then be placed directly into the cannulated screw, the flexible cable can extend out from the bottom of the screw and wrap around the sternum and back into the hole in the crimp head (see pp. 14-15 of the present application).

Applicants respectfully submit that the application is in condition for allowance, and earnestly solicit a notice of allowance for the pending claims.

Date: September 8, 2008

/David R. Bailey/

David R. Bailey

Registration No. 35,057

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439